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Following is synopsis of proposal for international access authority referred to in telegram containing basic instructions for next meeting with Gromyko:

BEGIN TEXT:

Main purpose of access authority would be to establish international Authority to govern access from West Germany to West Berlin on Autobahn and through air corridors which would supplement the existing access arrangements. Authority would be governed by Board of Governors. Actual management of functions of Authority would rest with General Manager named by Board of Governors.

To maintain free access in and out of West Berlin, Authority would be given control over Helmstedt-Berlin Autobahn, EASC, airport facilities in East Berlin and any other facilities in West Berlin whose operation is essential to free air traffic in air corridors. In addition it would have power to govern traffic

Drafted by:

S/O: L: MJB:elman:EUR:GER: MJB:elman:and:

Telegraphic Transmittal

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By: E. B. Kohler

Clearance:

1/9/62

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EA - Mr. Hollen

S/S-Mr. Johnston

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traffic to and from West Berlin in air corridors and Berlin air control zone. Area covered by air corridors, air control zone and Autobahn right of way would be set forth on maps annexed to main agreement; it now being envisioned that air corridors would have present 20-mile width and control zone 20-mile radius.

In order to carry out its mandate to insure free flow of traffic between West Berlin and West Germany Authority would be given certain rights powers and duties most important of which are use of appropriate means to insure safe and unrestricted flow of traffic on highway and in air corridors; to appoint officers traffic police etc. to carry out its functions; to fix and collect fees and charges to cover costs of operation; to construct necessary or convenient facilities along highway including a communication system between East Berlin and West Germany; to operate RASC; to construct navigation aids in air corridors and to deal with public or private bodies in carrying out its functions.

Authority would be given power to promulgate rules and regulations governing traffic on highway covering traffic speeds permissible loads etc. Document would give sole right of arrest upon highway to Authority. Authority would have discretion to surrender to appropriate party any persons so arrested. It is contemplated that this provision, along with provision specifying that rules of the Authority will have precedence in case of conflict with any other legal requirements, would enable Authority to exercise complete jurisdiction over traffic on Autobahn and would eliminate need for establishing a second legal system apart from that already existing.

Authority would have power to promulgate rules and regulations governing traffic in air corridors and there would be an up-to-date version of BAIR/P (45) 71

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second revised which would start Authority moving with an agreed set of air traffic regulations. Sole right of arrest for violation of such regulations on facilities operated by Authority in West Berlin again would be in Authority.

Provision would also be made that no law of West Berlin or East Germany shall have any force or effect on highway or on facilities operated by Authority in West Berlin if in the judgment of Authority such law would impede it in carrying out its functions or would impede free flow of traffic on highway or through corridors.

Authority would require other privileges such as tax exemptions immunity for its officers and staff from suit and legal process relating to acts performed by them in their official capacity and exemption of its property from search requisition attachment or execution except in cases where suit is brought against Authority pursuant to its charter.

We would contemplate that Authority be set up by an agreement between France, US and UK and USSR with provision that agreement will enter into force only upon proper certification by France US and UK on one hand and USSR on other, that steps have been taken to make agreement legally effective and binding in West Germany West Berlin East Germany and East Berlin.

END TEXT.

FOR FINLETTER: ³⁵⁴ Re Helto, you may draw on foregoing to degree necessary in outlining orally to MAC what we have in mind for International Access Authority.

Do not believe, however, that should be circulated. While we recognize importance MAC consideration various aspects of Berlin problem, in case of Access Authority which ~~was~~ already explored in depth ~~specifically~~ ^{in which you} giving callient features, see little US advantage in detailed ~~MAC study~~ ^{MAC study} along lines suggested by Canadians.

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